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J 2355 1

EXAMINER

WANG, P

ART UNIT

PAPER NUMBER

2307

9

DATE MAILED:

06/24/92

SHERIDAN, RUSS & MC INTOSH
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This is a communication from the examiner in charge of your application
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☒ Responsive to communication filed on 05/04/92 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire three (3) month(s), _____ days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. ☐ Notice of References Cited by Examiner, PTO-892.
2. ☐ Notice re Patent Drawing, PTO-948.
3. ☐ Notice of Art Cited by Applicant, PTO-1449.
4. ☐ Notice of Informal Patent Application, Form PTO-152.
5. ☐ Information on How to Effect Drawing Changes, PTO-1474.
5. ☐ _____

Part II SUMMARY OF ACTION

1. ☒ Claims 1-26 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
2. ☒ Claims 24 have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims 1-23, 25-26 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable. ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed on _____, has been ☐ approved. ☐ disapproved (see explanation).
12. ☐ Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received
☐ been filed in parent application, serial no. _____; filed on _____
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

1. Amendment filed May 4, 1992 has been entered. Claims 1-23 and 25-26 are now pending. Claim 24 has been cancelled as per applicant's instructions.

2. Claims 1-23, 25-26 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In the claims, problems with the claim language either still exist or have been newly introduced. Following is a non-exhaustive list of examples.

Claim 1

The newly added "said one personal computer" , "the transfer", and "the remaining personal computers" all lack proper antecedent basis;

Claim 2

It is unclear whether the voice communications means for anyone PC is the same as for any other PC. The claim language merely states that of the plurality of voice communications means, each PC "has" only one.

Claim 3

"said one" and "said remaining" PCs both lack proper antecedent basis.

Claim 5

The analog communications network to which A/D and D/A

conversion means are connected have not been set forth in the claims. It is unclear as to what this refers;

"said one" and "said remaining" PCs both lack proper antecedent basis,

The remaining claims suffer from the same types of problems as recounted above.

3. Claims 1-23 and 25-26, as stated in the previous Office Action, are rejected under 35 U.S.C. § 103 as being unpatentable over US Patent Number 5,014,267 to Thompkins et al.

The 35 USC 103 rejection of the 12/27/91 Office Action is hereby incorporated by reference.

In light of the problems which exist under 35 USC 112, 2nd paragraph, and of the above discussion, the claims as amended still do not set forth an invention which is unobvious in light of the Thompkins reference.

Applicant addresses the previous 35 USC 103 rejection at pages 14-20 of the 05/04/92 response. Applicant's arguments will be addressed in the order presented by the applicant.

Applicant contends that the Thompkins reference does not "disclose or suggest the use of personal computers .. in various remote locations interconnected to permit" Applicant is directed to column 6 and throughout the specification which shows the use of a local area network (LAN) as a means of connection. The applicant is further directed to columns 29-30 which

specifically states the use of the "International Business Machines Corporation .. Personal computer referred to as the "IBM PC".

A LAN, as defined in the Dictionary of Computers, Information Processing & Telecommunications ^{2/e} by Jerry M. Rosenberg as:

a system linking together computers, word processors, and other electronic office machines to create an inter-office, or inter-site network. These networks usually provide access to external networks, for example, public telephone and data transmission networks, information retrieval systems, and so on.

A network is defined as:

(3) in data processing, a user-application network.

A user-application network is defined as:

a configuration of data-processing products, such as processors, controllers, and terminals, established and operated by users for the purpose of data processing or information exchange,

As is well-known in the art, and further supported above the purpose of a LAN is to interconnect personal computers in various remote locations such that they may contemporaneously share information.

Application further contends that the reference does not suggest the use of multitasking or coordinating means. Figure 27

of the reference shows a network master used in the system. The network master used in the system. The network master used in the system. The network master acts as a LAN manager which as is well-known in the art, a multi-tasking and coordinating means by its very nature.

Applicant further contends that the reference does not suggest the ability to "...provide voice input of editing instructions". The examiner agrees that this contention may be true, but points out that the claimed invention did not either. This feature will be further following this discussion.

Applicant further contends that the reference does not show a variety of connections means such as ISON, or the use of polling.

In any introductory networks course, which those of ordinary skill in the art assumed to have taken, studies generally begin with the types of networks and interconnection architectures and protocols (eg. ison, lan, x.25, copper twisted-pair and coax, etc) along with their various benefits and limitations it is also taught that all of these modes are used for the same basic purpose of interconnecting computers, and as such, are interchangeable. One of ordinary skill in the art would, therefore, have found it obvious to choose among any of the interconnection modes as dictated by the nature of the intended message(s).

The function of polling is a commonly-used one in communications networks, and as such, is obvious to employ to one of ordinary skill in the art.

Applicant further discusses his interpretation of the reference along with his perceived differences and benefits which set his invention apart from the reference. Unfortunately, none of these differences and/or benefits are apparent in the claims.

4. The drawings are objected to under 37 C.F.R. § 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the inputting of file editing instructions by voice communications means must be shown or the feature cancelled from the claim. No new matter should be entered.

5. The following is a quotation of the first paragraph of 35 U.S.C. § 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The specification is objected to under 35 U.S.C. § 112, first paragraph, as failing to adequately teach how to make and/or use the invention, i.e., failing to provide an enabling disclosure.

6. Claims 23-25 and 26 are rejected under 35 U.S.C. § 112,

first paragraph, for the reasons set forth in the objection to the specification.

Claim 23 has been amended to add the feature of inputting file editing instructions by voice communications means. The art of speech recognition is a highly complex and complicated one, and, as such, is not assumed to be a familiar one to those of ordinary skill in the computer art. The disclosure sheds no light on how this feature is to be provided in the system, and the drawings do not show any indication either. As the applicant has stressed this feature as a difference between the present invention and the reference, it is assumed to be a critical one. One of ordinary skill in the art, however, would not be able to implement it without an undue amount of experimentation following an extended period of additional studies.

7. Applicant's arguments filed May 4, 1992 have been fully considered but they are not deemed to be persuasive.

8. Applicant's amendment necessitated the new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL.** See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE

Serial No. 397996

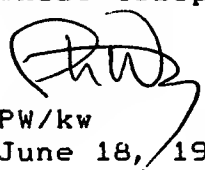
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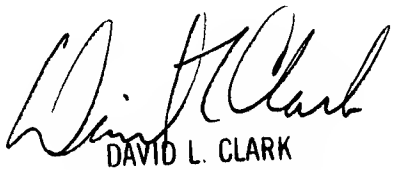
Art Unit 2307

ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Wang whose telephone number is (703) 305-7804.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0754.


PW/kw
June 18, 1992


DAVID L. CLARK
PRIMARY EXAMINER
ART UNIT 231

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